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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUN 23 2009

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY A. SHELLY,

Defendant.

**CR-09-0089-RHW**

INDICTMENT

Vio: 18 U.S.C. § 2422(b),  
Coercion of a Minor  
(Count 1)

18 U.S.C. § 2251(a),  
Production of Child  
Pornography  
(Count 2)

18 U.S.C. § 2423(b),  
Travel with Intent to Have  
Sex with a Minor  
(Count 3)

18 U.S.C. §§ 2428 and  
2253, Forfeiture of  
Computer Equipment  
(Count 4)

The Grand Jury Charges:

COUNT 1

On or about January 2005 and continuing through on or about September 4, 2005, in Republic, within the Eastern District of Washington, and elsewhere TIMOTHY A. SHELLY, Defendant herein, did use any facility of interstate commerce, to knowingly persuade, induce, entice and coerce an individual who had not attained the age of 18 years, to engage in any sexual activity for which any person could be charged with a criminal offense, all in violation of 18 U. S. C. § 2422(b).

INDICTMENT - 1

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COUNT 2

On or about January 2005 and continuing through on or about April 21, 2005, in Republic, within the Eastern District of Washington, and elsewhere, TIMOTHY A. SHELLY, Defendant herein, did knowingly employ, use, persuade, induce, entice and coerce a minor to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), for the purpose of producing a visual depiction of such conduct, which visual depiction was intended to be transported in interstate commerce and was produced using materials that had been mailed, shipped, and transported in interstate commerce, all in violation of 18 U.S.C. § 2251(a).

COUNT 3

Between on or about September 1, 2005, and on or about September 4, 2005, TIMOTHY A. SHELLY, Defendant herein, did knowingly travel in interstate commerce, that is, from the State of Michigan to Republic, Washington, in the Eastern District of Washington, for the purpose of engaging in illicit sexual conduct, (as defined in 18 U.S.C. § 2423(f)(1)), with a person under eighteen years of age, all in violation of 18 U. S. C. § 2423(b).

COUNT 4

Upon conviction of the offense alleged in Count 1 of this Indictment, Defendant, TIMOTHY A. SHELLY, shall forfeit to the United States, pursuant to 18 U.S.C. § 2428, any property, real or personal, used or intended to be used to commit or facilitate the commission of such offenses, including but not limited to: a Computer Hard Drive, serial number WMA9P1666869.

Upon conviction of the offense alleged in Count 2 of this Indictment, Defendant, TIMOTHY A. SHELLY, shall forfeit to the United States, pursuant to 18 U.S.C. § 2253, any visual depiction described in section 2251, 2251A, 2252A, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced,

1 transported, mailed, shipped or received in violation of this chapter; and, any  
2 property, real or personal, used or intended to be used to commit or to promote the  
3 commission of such offenses, including but not limited to: a Computer Hard  
4 Drive, serial number WMA9P1666869.

5 If any of the above-described forfeitable property, as a result of any act or  
6 omission of the Defendant:

- 7 (a) cannot be located upon the exercise of due diligence;
- 8 (b) has been transferred or sold to, or deposited with, a third party;
- 9 (c) has been placed beyond the jurisdiction of the court;
- 10 (d) has been substantially diminished in value; or
- 11 (e) has been commingled with other property which cannot be divided  
12 without difficulty;

13 it is the intent of the United States, pursuant to 21 U.S.C. § 853, as incorporated by  
14 28 U.S.C. § 2461(c) and 18 U.S.C. § 2253(b), to seek forfeiture of any other  
15 property of said Defendant up to the value of the forfeitable property described  
16 above.

17 DATED this 23 day of June, 2009.

18 A TRUE BILL

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24 James A. McDevitt  
United States Attorney

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26 Stephanie J. Lister  
27 Assistant United States Attorney  
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